

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

C. D. PICKLE, JR. (# 31459)

PETITIONER

v.

No. 4:07CV17-P-B

MISSISSIPPI COURT OF APPEALS, ET AL.

RESPONDENTS

**ORDER DENYING PETITIONER'S
SECOND MOTION FOR SUMMARY JUDGMENT**

This matter comes before the court on the *pro se* motion of C. D. Pickle, Jr. for summary judgment in this federal *habeas corpus* proceeding under 28 U.S.C. § 2254. The petitioner has not used the proper form for his petition, and the state has thus not yet been directed to answer. By separate order, the court has given the petitioner the opportunity to correct this deficiency. As the state has not yet been made a party to this litigation, the petitioner's motion for summary judgment is premature and is hereby **DISMISSED** without prejudice.

SO ORDERED, this the 22nd day of February, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE